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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,169	09/19/2001	Keisuke Yoshikuni	Q66293	9425
7590 04/01/2004			EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			WALLS, DIONNE A	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A9

**Office Action Summary****Application No.**

09/955,169

**Applicant(s)**

YOSHIKUNI ET AL.

**Examiner**

Dionne A. Walls

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of the Restriction Requirement mailed on October 23, 2003 is acknowledged. The traversal is on the ground(s) that the scope of the search is identical and no added issues are involved. This is not found persuasive because a materially different apparatus could be used to practice the elected method/process – and examination of such would require a different search and, thus, would be burdensome for the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Art in view of JP 8-277132.

Applicant admits, in the instant specification, that a method of manufacturing a glass gob is known where an amount of a molten glass is poured into molding dies, and then the movable portion of each molding die is moved down at a speed higher than the flowing speed of the molten glass. In this way, each molten glass flow is cut into separated portions, so that an amount of molten glass is left on each molding die, and a gradual cooling may be performed to produce glass gobs having various shapes (see

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page 2). While Applicant may not admit that it is known to then spray the molten glass with a gas in order to form a glass gob under such a condition that the molten glass is floated, JP 8-277132 discloses a glass forming mold process wherein small holes are provided in the glass molding die in order to supply inert gas or air to the glass gob which enables it to be "slightly" floated (see English abstract and mechanical translation). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide for holes to blow inert gas or air through the die molds, in such manner, so as to prevent the surface of the glass gob from contacting the molding die surface in order to avoid cracks, dirt, etc. on the face of the glass gob – as taught in JP 8-277132.

Regarding claim 2, it follows that the spraying step would commence in the claimed amount of time after the glass gob has been received in the molding die in order to ensure defects on the face of the molded glass article.

Regarding claims 4-7, these limitations are not deemed to impart patentable distinction since the parameters of the glass and the steps following the receiving of the glass gob are conventional in the glass molding process.

***Allowable Subject Matter***

3. Claims 10-12 are allowed.

***Response to Arguments***

4. Applicant's arguments filed on January 20<sup>th</sup>, 2004 have been fully considered but they are not persuasive.

- Applicant argues that the JP 8-277132 reference does not disclose the claimed "receiving step" or "remaining step", or the reduction (variation) of the gas flow rate. However, the Examiner wishes to point out the she has not presented the JP reference to teach the "receiving" or "remaining" steps. These steps, she believes, have already been admitted by Applicant in the instant specification on page 2. The only thing that Applicant did not admit, was the spraying of the deposited molten glass with gas in order to provide said glass in a "floated" position. For this reason, the JP reference was introduced to show that one having ordinary skill in the art would have been motivated to spray the molten glass received in the molding die with a stream of gas, so that it "floated" upon being deposited, in order to prevent dirt, cracks, flaws from forming in the cooled glass product. Lastly, Applicant has not recited a requirement, in claims 1-7, that the "flow rate of the gas is reduced in the receiving step", as this step was optional, and is only now required in new claims 10-12. Therefore, the prior art rejection of claims 1-7 over Applicant's Admitted Art in view of JP 8-277132 is still considered proper, and is maintained.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

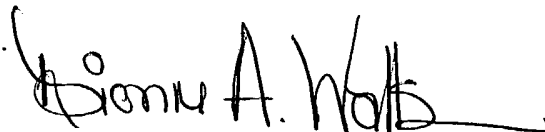
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dionne A. Walls  
Primary Examiner  
Art Unit 1731

March 29, 2004